IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 405 of 2001
(Old No. 1304 of 2000)

Faqir Mohammad S/o Azimullah,
R/o Village Mahuwa Debra
Tehsil Kashipur,
District Udham Singh Nagar.
…… Plaintiff / Appellant

Versus

Raj Narain Mehrotra & others
…… Defendants / Respondents

Mr. V.B.S. Negi, Advocate for the appellant.
Mr. Khalil Ahmad, Advocate for respondent Nos. 6 & 9.

Hon. Prafulla C. Pant, J.

Perusal of the impugned judgment shows that the suit was filed for injunction by the plaintiff (present appellant) praying that he should not be dispossessed from the land in suit, claiming the adverse possession over the land in question. The trial court dismissed the suit finding that the plaintiff could not show his title over the land in question. Defendant Nos. 1 to 5 were found to be the true owners of the land in question. Learned first appellate court also found that the trial court rightly refused to grant injunction against the true owners as the plaintiff failed to establish his title. There is concurrent finding of fact by both the courts below, and, there is no substantial question of law involved in this case.

Therefore, the second appeal is dismissed in limine.

(Prafulla C. Pant, J.)

Dt.3rd March, 2006.
H.Negi